
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

STEVE KUSABA,

Plaintiff,

v.

SALT LAKE CITY,

Defendants.

**ORDER ADOPTING REPORT AND
RECOMMENDATION**

Case No. 2:22-cv-284-BSJ-CMR

Hon. Bruce S. Jenkins

Pro se Plaintiff Steve Kusaba commenced this action on April 25, 2022, by filing his initial complaint. [See ECH No. 5.] Pursuant to DUCivR 72.4(b)(1)(A), this action was initially assigned to Magistrate Judge Cecelia M. Romero, who on May 3, 2022, granted Plaintiff leave to proceed *in forma pauperis*. [ECF No. 4.] On May 6, 2022, this action was randomly assigned to this Court and under DUCivR 72.4(d)(2)(A), and pursuant to 28 U.S.C. § 636(b)(1)(B), the action was automatically referred to Magistrate Judge Romero. On October 7, 2022, Magistrate Judge Romero, after finding that Plaintiff's initial complaint "fail[ed] to successfully allege jurisdiction, fail[ed] to sufficiently state a claim in his complaint, and fail[ed] to

comport with Rule 8,” ordered Plaintiff to file an amended complaint. [See ECF No. 7.] Plaintiff did so on December 30, 2022. [ECF No. 10.]

Now before the Court is the Report and Recommendation issued by Magistrate Judge Romero on May 24, 2023, recommending that the Amended Complaint filed by the Plaintiff be dismissed for failure to state a claim under Fed. R. Civ. P 12(b)(6). [See ECF No. 11.] The Plaintiff was notified of his right to file objections to the Report and Recommendation within fourteen days of service. [See ECF No. 11 at 12.] Plaintiff did not file any objection to the Report and Recommendation.

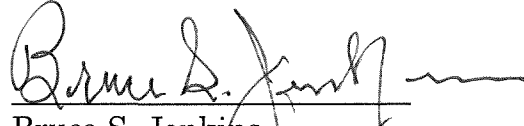
The Court has reviewed the Report and Recommendation, the pleadings and exhibits, and the remainder of the file in this matter. After full and careful review, and after liberally construing Plaintiff's filings, the Court hereby adopts the Report and Recommendation. As Magistrate Romero's Report and Recommendation makes clear, the claims asserted in Plaintiff's Amended Complaint, which are based upon a citation he received for parking in a restricted ADA parking zone without displaying an appropriate ADA tag, do not state plausible claims for relief under the Confrontation Clause of the 6th Amendment or under the 1st and 14th Amendments.

Therefore, based upon the foregoing, **IT IS HEREBY ORDERED** that the Report and Recommendation [ECF No. 11] is **ADOPTED**. Accordingly, Plaintiff's

Amended Complaint [ECF No. 10] is **DISMISSED**. And **IT IS FURTHER ORDERED** that this action is **DISMISSED**.

DATED this ^{1st}~~16~~ day of June 2023.

BY THE COURT:



Bruce S. Jenkins
United States District Judge